

107TH CONGRESS  
1ST SESSION

# S. 319

To amend title 49, United States Code, to ensure that air carriers meet their obligations under the Airline Customer Service Agreement, and provide improved passenger service in order to meet public convenience and necessity.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 2001

Mr. MCCAIN (for himself, Mr. HOLLINGS, and Mrs. HUTCHISON) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To amend title 49, United States Code, to ensure that air carriers meet their obligations under the Airline Customer Service Agreement, and provide improved passenger service in order to meet public convenience and necessity.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

### 3   **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Airline Customer Serv-  
5       ice Improvement Act”.

### 6   **SEC. 2. FINDINGS.**

7       The Congress finds the following:

1           (1) The Inspector General of the Department of  
2           Transportation has found that the airlines' vol-  
3           untary commitment to better service, set forth in the  
4           Airline Customer Service Commitment, has resulted  
5           in positive changes in how air travelers are treated.

6           (2) While the Inspector General's Final report  
7           noted that the voluntary effort has produced benefits  
8           faster than a legislative or regulatory mandate,  
9           which could have taken years to implement, the In-  
10          spector General has recommended additional  
11          changes that require legislation and regulations.

12          (3) The Airline Customer Service Commitment  
13          has prompted the airlines to address consumer con-  
14          cerns in many areas, ranging from providing infor-  
15          mation more accurately on delays to explaining that  
16          lower fares may be available through the Internet.

17          (4) The airlines were cooperative with, and re-  
18          sponsive to, many of the suggestions the Inspector  
19          General made in the interim report last year.

20          (5) The Inspector General has determined that,  
21          while there has been significant progress in improv-  
22          ing airline customer service, certain areas covered by  
23          the Airline Customer Service Commitment are in  
24          need of significant clarification and improvement  
25          and, where appropriate, enforcement action.

1 **SEC. 3. DEPARTMENT OF TRANSPORTATION TO DEVOTE**  
2 **GREATER RESOURCES TO AIRLINE PAS-**  
3 **SENGER CONSUMER PROTECTION.**

4 (a) IN GENERAL.—The Secretary of Transportation  
5 shall increase the resources of the Department of Trans-  
6 portation allocated to providing—

7 (1) airline passenger consumer protection and  
8 related services; and

9 (2) oversight and enforcement of laws and regu-  
10 lations within the jurisdiction of the Department  
11 that provide protection for air travelers.

12 (b) REPORT.—Within 60 days after the date of enact-  
13 ment of this Act, the Secretary shall report to the Senate  
14 Committee on Commerce, Science, and Transportation  
15 and the House Committee on Transportation and Infra-  
16 structure measures taken by the Secretary to carry out  
17 subsection (a), together with a request for additional  
18 funds or measures, if necessary, to carry out that sub-  
19 section fully.

20 **SEC. 4. AIRLINE CUSTOMER SERVICE COMMITMENT.**

21 (a) IN GENERAL.—Chapter 417 of title 49, United  
22 States Code, is amended by adding at the end the fol-  
23 lowing:

“(a) IN GENERAL.—Within 60 days after the date of enactment of the Airline Customer Service Improvement Act, each large air carrier shall incorporate the provisions of the Airline Customer Service Commitment executed by the Air Transport Association and 14 of its member airlines on June 17, 1999, in its contract of carriage.

“(1) Include fares available at the air carrier’s  
ticket offices and airport ticket service counters  
when quoting the lowest fare available to passengers.

“(3) Provide, no later than the 5th day of each month, the air carrier’s on-time performance rate for each scheduled flight for the most recently-ended month for which data is available through its Internet website.

1           “(4) Disclose, without being requested, the on-  
2           time performance and cancellation rate for a chron-  
3           ically-delayed or canceled flight whenever a customer  
4           makes a reservation or purchases a ticket on such  
5           a flight.

6           “(5) Establish a plan with respect to pas-  
7           sengers who must unexpectedly remain overnight  
8           during a trip due to flight delays, cancellations, or  
9           diversions.

10           “(6) Tell all passengers on a flight what the air  
11           carrier is required to pay passengers involuntarily  
12           denied boarding before making offers to passengers  
13           to induce them voluntarily to relinquish seats.

14           “(c) COMPLIANCE ASSURANCE.—

15           “(1) AIR CARRIER FUNCTIONS.—Each large air  
16           carrier also shall—

17           “(A) establish a customer service quality  
18           assurance and performance measurement sys-  
19           tem within 90 days after the date of enactment  
20           of the Airline Customer Service Improvement  
21           Act;

22           “(B) establish an internal audit process to  
23           measure compliance with the commitments and  
24           its customer service plan within 90 days after

1 the date of enactment of the Airline Customer  
2 Service Improvement Act; and

3 “(C) cooperate fully with any Department  
4 of Transportation audit of its customer service  
5 quality assurance system or review of its inter-  
6 nal audit.

7 “(2) DOT FUNCTIONS.—The Secretary of  
8 Transportation shall—

9 “(A) monitor compliance by large air car-  
10 riers with the requirements of this section and  
11 take such action under subpart IV of this title  
12 as may be necessary to enforce compliance with  
13 this section under subpart IV of this title;

14 “(B) monitor air carrier customer service  
15 quality assurance and performance measure-  
16 ment systems to ensure that air carriers are  
17 meeting fully their airline passenger service  
18 commitments; and

19 “(C) review the internal audits conducted  
20 by air carriers of their air carrier customer  
21 service quality assurance and performance  
22 measurement systems.

23 “(d) DEFINITIONS.—In this section—

1           “(1) LARGE AIR CARRIER.—The term ‘large air  
2           carrier’ means an air carrier holding a certificate  
3           issued under section 41102 that—

4                   “(A) operates aircraft designed to have a  
5                   maximum passenger capacity of more than 60  
6                   seats or a maximum payload capacity of more  
7                   than 18,000 pounds; or

8                   “(B) conducts operations where one or  
9                   both terminals of a flight stage are outside the  
10                  50 states of the United States, the District of  
11                  Columbia, the Commonwealth of Puerto Rico  
12                  and the U.S. Virgin Islands.

13           “(2) CHRONICALLY DELAYED OR CANCELED.—  
14           A flight shall be considered to be chronically-delayed  
15           or canceled if at least 40 percent of the flight’s de-  
16           partures are delayed for at least 15 minutes or at  
17           least 40 percent of the flights are canceled.”.

18           (b) ENFORCEMENT.—Section 46301(a)(7) of title 49,  
19           United States Code, is amended by striking “40112 or  
20           41727” and inserting “40112, 41727, or 41781”.

21           (c) CONFORMING AMENDMENT.—The chapter anal-  
22           ysis for chapter 417 of title 49, United States Code, is  
23           amended by adding at the end the following:

                  “SUBCHAPTER IV. AIRLINE CUSTOMER SERVICE  
                  “41781. Airline customer service requirements”.

1 **SEC. 5. OTHER SERVICE-ENHANCING IMPROVEMENTS.**

2 (a) IN GENERAL.—Within 90 days after the date of  
3 enactment of this Act, each large air carrier (as defined  
4 in section 41781(d)(1)) shall—

5 (1) establish realistic targets for reducing  
6 chronically-delayed and canceled flights;

7 (2) establish a system passengers may use be-  
8 fore departing for the airport to determine whether  
9 there is a lengthy flight delay or whether a flight has  
10 been canceled;

11 (3) develop and implement a system for track-  
12 ing and documenting the amount of time between  
13 the receipt of a passenger’s claim for missing bag-  
14 gage and the delivery of the baggage to the pas-  
15 senger, including the time taken by a courier or  
16 other delivery service to deliver found baggage to the  
17 passenger;

18 (4) monitor and report its efforts to improve  
19 services provided to passengers with disabilities and  
20 special needs, including services provided at airports  
21 such as check-in, passenger security screening (par-  
22 ticularly for passengers who use wheelchairs), board-  
23 ing, and disembarkation;

24 (5) clarify terminology used to advise pas-  
25 sengers of unscheduled delays or interruptions in  
26 service, such as “extended period of time” and



1 “emergency”, in order better to inform passengers  
2 about what they can expect during on-board delays;

3 (6) ensure that comprehensive passenger service  
4 contingency plans are properly maintained and that  
5 the plans, and any changes to those plans, are co-  
6 ordinated with local airport authorities and the Fed-  
7 eral Aviation Administration;

8 (7) ensure that master airport flight informa-  
9 tion display monitors contain accurate, up-to-date  
10 flight information and that the information is con-  
11 sistent with that shown on the carrier’s flight infor-  
12 mation display monitors;

13 (8) establish a toll-free telephone number that  
14 a passenger may use to check on the status of  
15 checked baggage that was not delivered on arrival at  
16 the passenger’s destination;

17 (9) if it maintains a domestic code-share ar-  
18 rangement with another air carrier, conclude an  
19 agreement under which it will conduct an annual  
20 audit of that air carrier’s compliance with the other  
21 air carrier’s airline customer service commitment;  
22 and

23 (10) if it has a frequent flyer program, make  
24 available to the public a comprehensive report of fre-  
25 quent flyer redemption information in their customer

1 literature and annual reports, including information  
2 on the percentage of successful redemption of fre-  
3 quent flyer awards and the number of seats available  
4 for such awards in the air carrier's top 100 origin  
5 and destination markets.

6 (b) INITIAL RESPONSE REPORTS.—

7 (1) AIR CARRIERS.—Within 90 days after the  
8 date of enactment of this Act, each large air carrier  
9 shall report to the Secretary of Transportation on  
10 its implementation of the obligations imposed on it  
11 by this Act.

12 (2) SECRETARY.—Within 270 days after the  
13 date of enactment of this Act, the Secretary of  
14 Transportation shall report to the Congress on the  
15 implementation by large air carriers of the obliga-  
16 tions imposed on them by this Act, together with  
17 such additional findings and recommendations for  
18 additional legislative or regulatory action as the Sec-  
19 retary deems appropriate.

20 **SEC. 6. IMPROVED DOT STATISTICS.**

21 (a) MISSING BAGGAGE.—In calculating and reporting  
22 the rate of mishandled baggage for air carriers, the De-  
23 partment of Transportation shall not take into account  
24 passengers who do not check any baggage.

1 (b) CHRONICALLY DELAYED OR CANCELED  
 2 FLIGHTS.—The Office of Aviation Enforcement and Pro-  
 3 ceedings of the Department of Transportation in coordina-  
 4 tion with the Bureau of Transportation Statistics of the  
 5 Department of Transportation, shall include a table in the  
 6 Air Travel Consumer Report that shows flights chronically  
 7 delayed by 15 minutes or more and flights canceled 40  
 8 percent or more for 3 consecutive months or more.

9 **SEC. 7. DOT REGULATIONS ON BUMPING.**

10 (a) UNIFORM CHECK-IN DEADLINE.—The Secretary  
 11 of Transportation shall initiate a rulemaking within 30  
 12 days after the date of enactment of this Act to amend  
 13 the Department of Transportation’s Regulations to estab-  
 14 lish a uniform check-in deadline and to require air carriers  
 15 to disclose, both in their contracts of carriage and on tick-  
 16 et jackets, their policies on how those deadlines apply to  
 17 passengers making connections.

18 (b) BUMPED PASSENGER COMPENSATION.—The Sec-  
 19 retary of Transportation shall initiate a rulemaking within  
 20 30 days after the date of enactment of this Act to amend  
 21 the Department of Transportation’s Regulation (14  
 22 C.F.R. 250.5) governing the amount of denied boarding  
 23 compensation for passengers denied boarding involuntarily  
 24 to increase the maximum amount thereof.

1       (c) CLARIFY CERTAIN TERMS.—The Secretary of  
2 Transportation shall clarify the terms “any undue or un-  
3 reasonable preference or advantage” and “unjust or un-  
4 reasonable prejudice or disadvantage”, as used in section  
5 250.3 of the Department of Transportation’s Regulations  
6 (14 C.F.R. 250.3), for purposes of air carrier priority  
7 rules or criteria for passengers denied boarding involun-  
8 tarily.

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